

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

CHRISTOPHER W. SIMPSON,

Petitioner,

v.

CIVIL ACTION NO. 5:06-cv-00466

T.R. CRAIG, Warden,<sup>1</sup>

Respondent.

**JUDGMENT ORDER**

By Standing Order entered on July 21, 2004, and filed in this case on June 14, 2006, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation (PF&R). Magistrate Judge VanDervort filed his PF&R on April 20, 2007 [Docket 12]. In that filing, the magistrate judge recommended that this Court dismiss Petitioner's Application [Docket 1], deny Petitioner's Motion for Summary Judgment [Docket 7], and remove this matter from the Court's docket.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and Petitioner's right to appeal this


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<sup>1</sup> When Petitioner filed this civil action, Charles T. Felts was serving as the Warden of FCI Beckley. T. R. Craig however, has since been designated as the Warden of FCI Beckley. Accordingly, pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, T. R. Craig is automatically substituted as the party Respondent in this civil action.

Court's Order. *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge VanDervort's PF&R were due by May 7, 2007, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). To date, no objections have been filed.

Having reviewed the PF&R filed by Magistrate Judge VanDervort, the Court **ADOPTS** the findings and recommendation contained therein. Accordingly, the Court hereby **DISMISSES** Petitioner's Application [Docket 1], **DENIES** Petitioner's Motion for Summary Judgment [Docket 7], and **DIRECTS** the Clerk to remove this matter from the Court's docket. Further, the Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record, Petitioner, *pro se*, Magistrate Judge VanDervort, and any unrepresented party.

ENTER: May 23, 2007



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THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE